

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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United States of America,

Case No. 21-cr-0173 (WMW/DTS)

Plaintiff,

**ORDER**

v.

Anton Joseph Lazzaro (1),

Defendant.

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Defendant Anton Joseph Lazzaro appeals United States Magistrate Judge Hildy Bowbeer's order of detention pursuant to 18 U.S.C. § 3145(b). (Dkt. 44.) Plaintiff United States of America did not respond to Lazzaro's appeal in the time permitted. *See* LR 72.2(a)(2) (providing that a party may respond within 14 days after another party objects to a magistrate judge's nondispositive ruling).

"If a person is ordered detained by a magistrate judge . . . the person may file, with [the district court], a motion for revocation or amendment of the order." 18 U.S.C. § 3145(b). A district court reviews a detention order de novo. *United States v. Maull*, 773 F.2d 1479, 1481 (8th Cir. 1985). A district court has discretion to either hold an evidentiary hearing or rely on the evidence presented to the magistrate judge. *See, e.g., United States v. Smith*, No. 4:13-cr-00179-SWW-008, 2014 WL 259111, at \*2 (E.D. Ark. Jan. 23, 2014) (collecting cases).

Here, Lazzaro contends that the magistrate judge's order of detention "was based on clearly erroneous findings of fact" and "an incorrect application of the facts to the

applicable legal standard.” But Lazzaro does not present any specific argument in support of these contentions. Instead, he requests a supplemental evidentiary hearing and oral argument. A supplemental evidentiary hearing is unnecessary in this case in light of the robust evidentiary record developed by the magistrate judge. However, because Lazzaro has not specifically identified the errors of fact and law that he attributes to the magistrate judge’s order of detention, the Court will permit supplemental briefing that is narrowly limited to addressing that issue.

### **ORDER**

Based on the foregoing analysis and all the files, records and proceedings herein,

#### **IT IS HEREBY ORDERED:**

1. Defendant Anton Joseph Lazzaro’s request for an evidentiary hearing is **DENIED**.
2. Lazzaro shall file a supplement brief in support of his appeal of the magistrate judge’s order of detention no later than **October 6, 2021**.
3. Plaintiff United States of America shall respond to Lazzaro’s supplemental brief no later than **October 13, 2021**.
4. Lazzaro’s appeal of the magistrate judge’s order of detention, (Dkt. 44), will be decided on the written submissions after all supplemental briefs are filed.

Dated: September 29, 2021

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge